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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/086,768      | 03/01/2002  | Yukinori Miyake      | 5267-21             | 8785             |

7590 08/13/2003

Thomas Langer, Esq.  
COHEN, PONTANI, LIEBERMAN & PAVANE  
Suite 1210  
551 Fifth Avenue  
New York, NY 10176

EXAMINER

NGUYEN, SON V

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/086,768

Applicant(s)

Miyake et al.

Examiner

Son Nguyen

Art Unit

2839



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 23, 2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 5 and 6 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Mar 1, 2002 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Request for Continued Examination***

1. The request filed on 7/23/2003 for a Request for Continued Examination (RCE) based on the application No. 10/086,768 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). ***The drawings must show every feature of the invention specified in the claims 5-6.*** Therefore, a portion projecting from the outer surface of the member and an engagement portion for restricting movement of the ferrule recited in claim 5, and ferrule has two ends for receiving end portions of core optical fibers of fiber optic cables, first and second optical connector components, a plug frame connected with the core optical fibers and the first and second optical connector components recited in claim 6, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### ***Claim Objections***

3. Claims 5-6 are objected to because of the following informalities:

In claim 5, lines 11 and 12, there is no antecedent basis for "said projecting portion."

Appropriate correction is required.

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Valencia et al. (US 6,318,905).

Valencia et al. discloses an optical connector component [figure 1] comprising:

- a ferrule [1];

- a member [2] affixed to the ferrule having an outer surface, a portion [6] projecting from the outer surface of the member for restricting moment of the member including the ferrule disposed therein in a first direction, and an engagement portion (a distal end of the member) for restricting movement of the member including the ferrule disposed therein in a second direction opposite the first direction;

- a plug frame [4] configured as a one-piece component. floating supporting the member, the plug frame defining a hole [11, figure 2A] through a surface thereof having a side wall [12] for restricting movement of the member in the first direction, and an abutment portion [figure 2B] for restricting movement of the member in the second direction;

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- wherein the projecting portion of the member is inserted into the hole of the plug frame, so that the projecting portion abuts against the side wall of the hole [figure 2B] to prevent movement of the member in the first direction, the engagement portion of the member abuts against the abutment portion of the plug frame to prevent movement of the member in the second direction;

- the ferrule has two ends (for receiving end portions of core optical fiber fibers of fiber optic cables of first and second optical connector components, not shown for clarity), the plug frame comprises first and second engagement portions on first and second ends (sides) of the plug frame for engaging first and second optical connector components [not shown].

In claim 6, line 6, it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957). It is inherent that the plug frame would be connectable with core optical fibers of the first and second optical connector components when the first and second optical connector components are engaged with the plug frame.

### ***Response to Arguments***

6. Applicant's arguments with respect to new claims 5-6 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

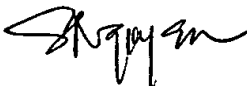
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son Nguyen whose telephone number is (703) 308-8745.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reach on (703) 308-2710. The fax phone number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

sn

August 8, 2003

  
SON V. NGUYEN  
PATENT EXAMINER